

**MITIGATION MONITORING
AND
REPORTING PLAN**

**For the
Hamilton Wetland Restoration Project
Supplemental Environmental Impact Report
Bel Marin Keys Unit V Expansion
April 2003**

**Prepared by the
State Coastal Conservancy
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PURPOSE OF THIS DOCUMENT

This document was prepared to accompany the findings for the Supplemental Environmental Impact Statement and Report for the Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project. The purpose of this document is to comply with the California Environmental Quality Act (CEQA) provision for mitigation as codified in Public Resources Code 21081.6. The purposes of the Plan is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. Mitigation measures are identified for those impacts determined to be significant. Impacts that do not require mitigation are not addressed in this document.

BACKGROUND

The purpose of the SEIR was to analyze the impacts of expanding the existing Hamilton wetland project to include the 1600-acre Bel Marin Keys Unit V property, a more than doubling of acreage for the project. The proposed wetland restoration closely follows the proposal for the Hamilton wetland project, as described in the 1998 EIS/R, jointly prepared by the Conservancy and U.S. Army Corps of Engineers. Slight changes and updates exist in the SEIR that apply to the entire project, for example the original EIR considered only an electric offloader whereas the SEIR considers both diesel and electric offloaders. Additionally, since the original project EIR, there have been changes made to CEQA and its Guidelines, which are reflected in the newer document. In addition, the Conservancy undertook a comprehensive public involvement and stakeholder process during the drafting of the SEIR and this public involvement has helped further shape the overall Hamilton project.

The purpose of this Mitigation Monitoring and Reporting Plan (Plan) is to ensure that the proposed mitigation measures are implemented. (CEQA Guidelines, Sec15097). These requirements apply to all public agencies and the lead agency has the option of either *monitoring* the mitigation or *reporting* on the mitigation, or carrying out both. The SEIR also contains a draft Adaptive Management and Monitoring Plan, (Appendix K), which will overlap considerably with this plan. However, the draft plan as contained in the SEIR has not been finalized and would be implemented by the Corps of Engineers after completion of the permitting process, not contemplated until fall of 2005.

Because the Hamilton project will most likely carryout a variety of broad and long term monitoring, the Conservancy proposes to *report* on the mitigation rather than monitor it in this Plan. The project monitoring will likely be a consequence of post-construction management as well permit conditions issued by the Regional Water Quality Control Board, Bay Conservation and Development Commission and US Fish and Wildlife Service via its endangered species authority. Staff is of the opinion that the public is better served if the Conservancy prepares annual reports on the progress of mitigation

implementation and monitoring, rather than attempting to carry out the monitoring itself. This is, in part, because the lead agency for implementing the project is the Corps of Engineers and much of this work is actually a “project cost”, which is shared between the two agencies.

Additionally, this approach is recommended because many of the mitigation monitoring tasks are likely to be highly technical and therefore contracted out for completion. For example, it is likely that the project will need to monitor various forms of mercury contamination in the project sediments, both during and after construction of the project. The monitoring will involve the latest scientific methods and will border on research. It would be better for the Corps to have this monitoring carried out by in-house scientists or government contractors and the Conservancy will be responsible to report the findings to the public, rather than have staff attempt to implement the mercury studies program.

IMPACTS

This reporting plan is broken into two parts, first a list of impacts for which the project SEIR found there are significant impacts that can be mitigated to a level of insignificance. Secondly, a table for the three impacts for which the SEIR found that no way to mitigate the impact to a level below significant.

The tables show the expected implementation timeframes for each mitigation. Because the project contains many phases, some mitigation measures will not be carried out for a number of years. For example post-breach monitoring will not occur until the site has been filled with sediment, which is expected to take as much as five years from the commencement of pumping. Since the first loads of sediment will not be pumped onto the property until early calendar year 2006, the post-breach monitoring would not occur until at least 2011. This highlights the reason why a reporting plan is a preferable means of CEQA compliance: it is not possible to define entire project monitoring at this point in time. Rather the monitoring program will be built in the coming months, subject to regulatory agency approval, and is expected to be open to modification over the coming decade.

SUMMARY

A review of the SEIR shows that for the Preferred Alternative 2, only three outcomes were assessed as not lending to a form of mitigation. Of the dozens of other potential impacts, nearly all can be reduced to a level of less-than-significant with changes to the project or the addition of monitoring and coordination. The table below contains all impacts that were found to be significant and indicates how they can be avoided by selecting the preferred alternative or mitigated by minor changes to the project design and implementation.

Exhibit 5: Mitigation Monitoring and Reporting Plan

Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Surface Water Hydrology and Tidal Hydraulics					
Impacts and Mitigation Measures Common to Alternatives 1-3					
Impacts	Less than Significant or Beneficial except:				
Impact TH-2: Changes in Circulation and Morphologic Evolution in Existing Tidal Wetlands	Significant	Mitigation Measure BIO-7: Monitor Site Development and Implement Actions to Increase the Rate of Marsh Development, if Required	Less than Significant	HWRP (COE/SCC) will undertake Monitoring and Adaptive Management Plan (MAMP) which will survey channel configuration and evolution	After Breach 2013
Impact TH-6: Excessive or Unexpected Erosion of Perimeter Levees	Less than Significant				
Impacts and Mitigation Measures Unique to Alternative 3					
Impact TH-11: Modification to Sedimentation Processes in San Pablo Bay	Significant	Mitigation Measure TH-1: Perform an Assessment of Modifications to Sedimentation Processes in San Pablo Bay for Alternative 3 and Implement Phased Tidal Cell Development, if Necessary	Less than Significant	This is not the preferred alternative. However, HWRP will undertake circulation studies as a part of the Aquatic Transfer Facility (ATF) which may address this issue.	Fall 2005-Summer 2006
Water Quality					
Impacts and Mitigation Measures Common to Alternatives 1-3				HWRP (COE/SCC) will undertake Methylmercury Monitoring and Adaptive Management Plan.	Monitoring plan will likely be a pre requirement by RWQCB an/. A dr would be submitted for approval in Monitoring for methylmercury is o
Impact WQ-1: Potential for Degradation of Surface Water and Sediment Quality due to Increased Methylmercury Formation Potential	Potentially Significant and Unavoidable	Mitigation Measures WQ-1: Implement Methylmercury Adaptive Management Plan	Potentially Significant		
Impact WQ-6: Potential Diesel Pump Spills into San Pablo Bay	Significant	Mitigation Measure WQ-2: Provide for Spill Protection at Offloader and at Booster Pump Facility	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact WQ-8: Potential Changes to Circulation in Pacheco Pond	Significant	Mitigation Measure WQ-3: Incorporate Pacheco Pond Water Quality Concerns Regarding Circulation in New Water Management Plan, in Cooperation with MCFCWCD and CDFG.	Less than Significant		
Impacts and Mitigation Measures Common to Alternative 1 and Revised 2					
Impact WQ-9: Potential for Degradation of Receiving Water Quality due to Dredged Material Placement	Significant	Mitigation Measure WQ-4: Develop and Implement Water Quality Monitoring Program for Dredged Material Placement.	Less than Significant		
Impacts Unique to Alternative 3					
Impact WQ-10: Potential for Spills from Fueling of Pump(s) at Pump Station	Significant	Mitigation Measure WQ-5: Provide for Spill Protection at Pump Station.	Less than Significant		
Public Health					
Impacts and Mitigation Measures Common to Alternatives 1-3					
Impact PH-1. Increase of Potential Mosquito Breeding Habitat	Significant	Mitigation Measure PH-1: Coordinate Restoration Design and Expansion Activities with MSMAD	Less than Significant		
Biological Resources					
No-Action Alternative	No impact				
Impact BIO-3: Temporary Disturbance to the Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper's Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow During Construction	Significant	Mitigation Measure BIO-1: Conduct Surveys to Locate Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper's Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow Nest Sites Before Construction Is Initiated and Avoid Breeding Sites	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact BIO-4: Potential for Construction-Related Mortality of Salt Marsh Harvest Mice	Significant	Mitigation Measure BIO-2: Remove Salt Marsh Harvest Mouse Habitat and Place Barrier Fencing in the Immediate Vicinity of Operating Equipment.	Less than Significant		
Impact BIO-5: Potential for Construction-Related Mortality of California Clapper Rails and California Black Rails	Significant	Mitigation Measure BIO-3: Avoid Operation of Equipment within 250 feet of the Outboard Tidal Coastal Marsh During the Breeding Period of the California Clapper Rail and California Black Rail	Less than Significant		
Impact BIO-6: Potential for Mortality of San Pablo Song Sparrows	Significant	Mitigation Measure BIO-4: Conduct Surveys to Locate San Pablo Song Sparrow Nest Sites before Construction Is Initiated and Avoid Breeding Sites	Less than Significant		
Impact BIO-7: Potential for Mortality of Burrowing Owls	Significant	Mitigation Measure BIO-5: Conduct Surveys to Locate Burrowing Owl Nest Sites before Construction Is Initiated and Avoid Breeding Sites	Less than Significant		
Impact BIO-8: Potential for Construction-Related Mortality of Outmigrating Salmonid Smolts	Significant	Mitigation Measure BIO-6: Avoid Construction that Could Affect Tidal Aquatic Habitats when Salmonid Smolts Could Be Present	Less than Significant		
Impact BIO-10: Potential Disturbance to or Mortality of Special-Status Species Resulting from Monitoring and Adaptive Management Activities	Significant	Mitigation Measure BIO-7: Develop and Implement a Restoration Monitoring and Adaptive Management Program Designed to Minimize Potential Impacts on Special-Status Species.	Less than Significant		
Impact BIO-14: Loss of Coastal Salt Marsh	Significant	Mitigation Measure BIO-8: Monitor Site Development and Implement Actions to Increase the Rate of Marsh Development, If Required	Less than Significant		
Impact BIO-15: Loss of Brackish Open Water Habitat and Brackish Marsh	Significant	Mitigation Measure BIO-9: Monitor Development of Brackish Open Water, Emergent Marsh, and/or Seasonal Wetlands.	Less than Significant		
Impact BIO-19: Loss of Habitat for California Clapper Rail, California Black Rail, Salt Marsh Harvest Mouse, and Saltmarsh Common Yellowthroat	Significant	Mitigation Measure BIO-8: Monitor Site Development and Implement Actions to Increase the Rate of Marsh Development, if Required	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact BIO-20: Temporary Loss of Nesting Habitat for the San Pablo Song Sparrow	Significant	Mitigation Measure BIO-8: Monitor Site Development and Implement Actions to Increase the Rate of Marsh Development, if Required Mitigation Measure BIO-9: Monitor Development of Brackish Open Water, Emergent Marsh, and/or Seasonal Wetlands.	Less than Significant		
Impact BIO-25: Potential for spread of invasive nonnative plants within and outside of restoration area during construction activities	Significant	Mitigation Measure 10a: Prevent Spread of Perennial Pepperweed and Other Invasive Weeds to Uninfested Areas Mitigation Measure 10b: Monitor Restoration Sites and Control for Infestation by Invasive nonnative plants	Less than Significant		
Impact BIO-27: Disruption of Sensitive Wildlife due to Bay Trail Construction, All Alternatives	Significant	Mitigation Measure BIO-1: Conduct Surveys to Locate Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper’s Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow Nest Sites Before Construction Is Initiated and Avoid Breeding Sites	Less than Significant		
Impact BIO-28: Disruption of Sensitive Wildlife due to Public Access Interactions along the Bay Trail	Significant	Mitigation Measure BIO-11: Incorporate Wildlife-Sensitive Approaches in Bay Trail Design and Develop Trail Access Management Plan	Less than Significant		
Impact BIO-29: Disruption of Sensitive Wildlife due to Public Access Interactions along the Bay Trail, Southward and Northward Extension	Significant	Mitigation Measure BIO-12: Implement Specific Design and Management Mitigation for Bay Trail Southward Extension and Northward Extension from City of Novato Levee	Less than Significant		
Impact BIO-31: Potential Harm to Marine Mammals, and Special-Status Fish Species, and Common Fish Species due to Pile-Driving Activities for Off-Loader Facility and Booster-Pump Platforms	Significant and Unavoidable	Mitigation Measure BIO-13: Coordinate with Appropriate Federal and State Agencies to Reduce Impact on Marine Mammals and Special-Status Fish Species during Pile-Driving Activities	Significant		
Impact BIO-32: Potential Disruption to Nesting Special-Status and Common Birds due to Removal of Several Eucalyptus Groves and Several Oak Trees	Significant	Mitigation Measure BIO-14: Remove Identified Eucalyptus Groves and Oak Trees outside Special-Status and Other Bird Breeding Seasons	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact BIO-33: Potential Disruption to Special-Status Bat Species due to Removal of Structures	Significant	Mitigation Measure BIO-15: Conduct Site Surveys for Presence of Special-Status Bat Species and Remove Structures in accordance with State and Federal Laws.	Less than Significant		
Impacts and Mitigation Measures Common to Alternative 1 and Revised Alternative2 Impact BIO-36: Potential Effects of Construction of and Access to the Interpretive Center and Access Area on the “Bulge” Parcel West of the HWRP	Significant	Mitigation Measure BIO-16: Recommended Mitigation Measures for Construction of and Access to and from the Interpretive Center and Access Area on the “bulge” parcel west of HWRP.	Less than Significant		
Impact BIO-38: Temporary Disturbance of Fish in San Pablo Bay During Construction	Significant	Mitigation Measure BIO-17: Use Fish Screens to Prevent Possible Entrainment of Fish	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impacts and Mitigation Measures Unique to Alternative 1					
Impact BIO-39: Disruption of Sensitive Wildlife due to Bay Trail Construction, Alternative 1 and Spur Option 1A	Significant	<p>Mitigation Measure BIO-18: Mitigation for Construction of Trail West of Pacheco Pond.</p> <p>Mitigation Measure BIO-1: Conduct Surveys to Locate Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper’s Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow Nest Sites Before Construction Is Initiated and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-3: Avoid Operation of Equipment within 250 feet of the Outboard Tidal Coastal Marsh During the Breeding Period of the California Clapper Rail and California Black Rail and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-5: Conduct Surveys to Locate Burrowing Owl Nest Sites before Construction Is Initiated and Avoid Breeding Sites during Construction</p>	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact BIO-40: Disruption of Sensitive Wildlife due to Public Access Interactions along Bay Trail, Alternative 1	Significant	Mitigation Measure BIO-19a: Specific Design and Management Mitigation for Bay Trail Alternative 1 Mitigation Measure BIO-19b: Specific Design and Management Mitigation for Spur Option 1A Mitigation Measure BIO-12: Implement Specific Design and Management Mitigation for Bay Trail Southward Extension and Northward Extension from City of Novato Levee	Less than Significant		
Impacts and Mitigation Measures Unique to Revised Alternative 2					
Impact BIO-41: Disruption of Sensitive Wildlife due to Bay Trail Construction, Revised Alternative 2	Significant	Mitigation Measure BIO-1: Conduct Surveys to Locate Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper's Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow Nest Sites Before Construction Is Initiated and Avoid Breeding Sites during Construction Mitigation Measure BIO-3: Avoid Operation of Equipment within 250 feet of the Outboard Tidal Coastal Marsh During the Breeding Period of the California Clapper Rail and California Black Rail and Avoid Breeding Sites during Construction Mitigation Measure BIO-4: Conduct Surveys to Locate San Pablo Song Sparrow Nest Sites before Construction Is Initiated and Avoid Breeding Sites during Construction Mitigation Measure BIO-5: Conduct Surveys to Locate Burrowing Owl Nest Sites before Construction Is Initiated and Avoid Breeding Sites during Construction Mitigation Measure BIO-6: Avoid Construction that Could Affect Tidal Aquatic Habitats when Salmonid Smolts Could Be Present	Less than Significant		
Impact BIO-42: Disruption of Sensitive Wildlife due to Bay Trail Access, Revised Alternative 2	Significant	Mitigation Measure BIO-12: Implement Specific Design and Management Mitigation for Bay Trail Southward Extension and Northward Extension from City of Novato Levee Mitigation Measure BIO-20: Implement Specific Design and Management Recommendations for Bay Trail Revised Alternative 2.	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impacts and Mitigation Measures Unique to Alternative 3					
Impact BIO-43: Disruption of Sensitive Wildlife due to Bay Trail Construction, Alternative 3 and Spur Option 3A	Significant	<p>Mitigation Measure BIO-1: Conduct Surveys to Locate Northern Harrier, White-Tailed Kite, Golden Eagle, Cooper’s Hawk, Sharp-shinned Hawk, Short-Eared Owl, Burrowing Owl, Saltmarsh Common Yellowthroat, and San Pablo Song Sparrow Nest Sites Before Construction Is Initiated and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-3: Avoid Operation of Equipment within 250 feet of the Outboard Tidal Coastal Marsh During the Breeding Period of the California Clapper Rail and California Black Rail and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-4: Conduct Surveys to Locate San Pablo Song Sparrow Nest Sites before Construction Is Initiated and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-5: Conduct Surveys to Locate Burrowing Owl Nest Sites before Construction Is Initiated and Avoid Breeding Sites during Construction</p> <p>Mitigation Measure BIO-6: Avoid construction that could affect tidal aquatic habitats</p>	Less than Significant		
Impact BIO-44: Disruption of Sensitive Wildlife due to Bay Trail Access, Alternative 3 and Spur Option 3A	Significant	<p>Mitigation Measure BIO-21a: Specific Design and Management Mitigation for Bay Trail Alternative 3</p> <p>Mitigation Measure BIO-21b: Specific Design and Management Mitigation for Trail Spur Option 3A</p> <p>Mitigation Measure BIO-12: Implement Specific Design and Management Mitigation for Bay Trail Southward Extension and Northward Extension from City of Novato Levee</p>	Less than Significant		

Land Use and Utilities

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impacts and Mitigation Measures Unique to Alternative 3					
Impact LU-7: Inconsistency with the LTMS Management Plan	Potentially Significant	No feasible mitigation measures	Potentially Significant	This is not the preferred alternative. However Corps could coordinate with BCDC, USEPA, and RWQCB regarding LTMS implementation in light of other projects in region. Site capacity may not be needed to fulfill the LTMS policy.	BMKV implementation pending W Authorization. This is not the preferred alternative.
Hazardous Substances and Waste					
Impacts and Mitigation Measures Common to Alternatives 1-3					
Impact HAZ-1: Potential Exposure of Humans, Plants, or Wildlife to Contaminants as a Result of Remediation Activities for the Proposed Action	Significant	Mitigation Measure HAZ-1: Coordinate with Department of Toxic Substances Control on BMK Site Clean-Up Requirements prior to Construction	Less than Significant		
Impact HAZ-2: Potential Exposure of Humans, Plants, or Wildlife to Hazardous Chemicals Contained in Dredged Material Used as Fill Material	Potentially Significant (See Impact WQ-1)	Mitigation Measures WQ-1: Implement Methylmercury Adaptive Management Plan	Potentially Significant	See above	See above
Impact HAZ-3: Potential Exposure of Humans, Plants, or Wildlife to Hazardous Chemicals Due to Sedimentation from Novato Creek and/or San Pablo Bay	Potentially Significant (See Impact WQ-1)	Mitigation Measures WQ-1: Implement Methylmercury Adaptive Management Plan	Potentially Significant	See above	See above
Air Quality					
Impacts and Mitigation Measures Common to Alternatives 1-3					
Impact A-1: Construction-Related Emissions of PM10 from Terrestrial Construction Equipment	Significant	Mitigation Measure A-1: Control PM10 Emissions in Accordance with BAAQMD Standards	Less than Significant		

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact A-2: Construction-Related Emissions of Ozone Precursors from Terrestrial Equipment and Use of Diesel Pumps to Offload Dredge Material	Significant	Mitigation Measure A-2: Control and/or Offset NOx Emissions Associated with Unloading of Dredged Material	Less than Significant		
Noise					
No-Action Alternative					
No Impact					
Impact N-2: Temporary Increases in Noise Levels to More Than 60 dBA during Onshore Construction	Significant	Mitigation Measure N-1: Employ Noise-Reducing Construction Practices	Less than Significant		
Impacts Unique to Alternative 3					
Impact N-5: Increased Noise from Use of Relief Pump(s)	Significant	Mitigation Measure N-2: Employ Noise-Reducing Design if the Pump Station in Alternative 3 is Built.	Less than Significant		
Cultural Resources					

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Impact	Significance Determination	Mitigation Measure	Significance Determination with Mitigation Incorporation	Party Responsible for Mitigation	Timeframe
Impact CR-2: Potential impacts to buried cultural deposits or human remains	Significant	Mitigation Measure CR-1: Stop Work if Buried Cultural Deposits Are Encountered during Construction Activities Mitigation Measure CR-2: Stop Work if Human Remains are Encountered during Construction Activities	Less than Significant		
Aesthetics					
Impacts and Mitigation Measures Unique to Alternative 1				SCC will work with Corps to implement phased levee construction that will allow lower levee heights. Long term of project	Design phase pending WRDA Aut
Impact A-2: Obstruction of Existing Unobstructed Views of BMKV Site and San Pablo Bay, Alternative 1	Significant and Unavoidable	No mitigation measures available, except changes to levee heights and location as in Revised Alternative 2.	Significant		
Impacts and Mitigation Measures Unique to Alternative 3				This is not the preferred alternative. However the Corps could implement staged construction of levees that obscure views, thereby minimizing and possibly eliminating the impact	
Impact A-4: Obstruction of Existing Views of BMKV Site and San Pablo Bay	Significant and Unavoidable	No mitigation measures available, except changes to levee heights and location as in Revised Alternative 2.	Significant		